

REMARKS

In the recent Office Action the Examiner stated that claims 7 through 18 were allowable. Applicants acknowledge, with appreciation, the indication of allowability of these latter claims.

The Examiner rejected claims 1 through 4 on three separate, non-statutory obviousness-type double patenting bases. First, it should be noted that in paragraph 4 of the Office Action, the Examiner's double patenting rejection is identical to that set forth in paragraph 2 of the Office Action. In a follow-up telephone conversation with the Examiner, it was acknowledged that the obviousness-type double patenting rejection in Claim 4 was intended to be based upon U.S. Patent 6,514,373 in view of the Curiel '290 patent.

Enclosed herewith are three Terminal Disclaimers, which should overcome the three double patenting rejections advanced, or intended to be advanced, by the Examiner.

Thus, all of the rejections raised by the Examiner should be overcome by this response.

In the original Office Action, the Examiner restricted apparatus claims 19 through 30 from method claims 1 through 18. In that Restriction Requirement, the Examiner took the position that "the process as claimed can be practiced by another and materially different apparatus such as an apparatus that does not have a stack of a plurality of individual labels."

In view of the amendments to claim 1 presented in the previous Office Action, Applicants again submit that the method specified in claims 1 through 18 cannot be practiced by an apparatus that is materially different from that specified in claims 19 through 30.

Applicants again request that the Examiner examine claims 19 through 30 on the merits, and submits that these latter claims are patentable for the same reasons as claims 1 through 18.

In the event that the Examiner still believes that claims 19-30 are directed to a separate and distinct invention from method claims 1 through 18, applicants respectfully request that reasons for such a position be clearly expressed so that the record in this application is clear.

Respectfully submitted,

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Please charge or credit our Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.

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